



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,322	01/09/2001	Chetan Shah	TAL/8003.001	5492

7590 07/22/2004
Chernoff, Vilhauer, McClung & Stenzel, LLP
1600 ODS Tower
601 SW Second Avenue
Portland, OR 97204

EXAMINER

OUELLETTE, JONATHAN P

ART UNIT PAPER NUMBER

3629

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

09757322

EXAMINER

ART UNIT	PAPER
----------	-------

20040715

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The Reply Brief filed 4/15/2004 has been entered and considered; however, the arguments made by the applicant are found to be non-persuasive and the reply will be forwarded with the file to the Board of Appeals for further review.

The Declaration filed on 4/15/2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the Fredrickson (US 2002/0019768 A1) reference.

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Fredrickson reference to either a constructive reduction to practice or an actual reduction to practice.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Fredrickson reference. The submitted declaration shows a specification, which outlines the basic conception of the claimed invention, but in know way does the declaration show diligence from the conception date to either a constructive reduction to practice or an actual reduction to practice.

JOHN G. WEISS**SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**